## COUNCIL COMING ATTRACTIONS



Feb. 14, 2017

Black History Month, Preventing Hate Crimes and Extremism, Spending Affordability, and Final Internal Audit Report on Silver Spring Explosion and Fire at the Flower Branch Apartments



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <a href="http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html">http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html</a>.

Also the Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html.

On Feb. 14 the Council session will begin at 10 a.m.

## COUNCIL

Spending Affordability Guidelines for the FY18 Operating Budget
The Council is scheduled to vote on the Spending Affordability Guidelines for the FY18 Operating
Budget. The Council must set three spending affordability guidelines each year as required by
the County Charter and County Code. They are: the ceiling on real property tax revenue; the
ceiling on the aggregate operating budget (AOB); and the allocation of the AOB. The County
Code states that the Council should consider several factors when adopting the guidelines. These
factors include the condition of the economy, the level of economic activity in the County, trends
in personal income, the impact of economic and population growth on projected revenues, and
any other relevant factors. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5011&meta\_id=131617.

The Government Operations and Fiscal Policy (GO) Committee reviewed the Spending Affordability Guidelines and recommends the following:

- Set the ceiling on real property tax revenue at the Charter Limit, with a credit.
- Set the ceiling on the aggregate operating budget (AOB) at \$4,733.8 million.
- Allocate the AOB as follows:
  - ✓ County Government at \$1,478.2 million;
  - ✓ Board of Education at \$2,334.1 million:
  - ✓ Montgomery College at \$177.2 million;
  - ✓ Maryland-National Capital Park and Planning Commission at \$120.8 million;
  - ✓ Debt service at \$402.0 million;
  - ✓ Current revenue funding of capital projects at \$114.8 million; and
  - ✓ Retiree Health Insurance Pre-funding at \$106.7 million.

In addition to the spending affordability guidelines, the GO Committee recommends setting the overall target for Council and Executive community grants at \$10 million.

## Black History Month Commemoration

The Council is scheduled to commemorate Black History Month with a "Community Spotlight on Lincoln Park and Tobytown" that will include comments from Councilmembers about Black History Month, a video profile of each neighborhood, and a proclamation presentation.

Preventing Hate Crimes and Extremism-The Montgomery County Model
The Council is scheduled to hold a discussion about recent trends associated with hate crimes and the County's model for preventing hate crimes and extremism in our community. Police Chief

Tom Manger, MCPD; Shanna Batten, Program Director, The University of Maryland Center for Health and Homeland Security; Dr. Jonathan Brice, Associate Superintendent of Student and Family Support and Engagement, MCPS; and Reverend Mansfield Kaseman, Interfaith Community Liaison, Office of Community Partnerships, are expected to participate in the discussion. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5011&meta\_id=131621.

Resolution to Approve White Oak Local Area Transportation Improvements Program
The Council is scheduled to act on a resolution to approve the White Oak Local Area
Transportation Improvements Program. The Planning, Housing and Economic Development
(PHED) Committee recommends approval with amendments. The staff report can be viewed

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5011&meta\_id=131623 .

The 2016-2020 Subdivision Staging Policy adopted on Nov. 15, 2016 states that the Planning Board may approve a subdivision in the White Oak Policy Area conditioned on the applicant paying a fee to the County commensurate with the applicant's proportion of the cost of a White Oak Local Area Transportation Improvement Program, including the costs of design, land acquisition, construction, site improvements, and utility relocation.

- The applicant's proportion of the cost is based on a subdivision's share of net additional peak-hour vehicle trips generated by all master-planned development in the White Oak Policy Area approved after Jan. 1, 2016. The components of the White Oak Local Area Transportation Improvement Program and the fee per peak-hour vehicle trip will be established by Council resolution after a public hearing.
- On Dec. 8, 2016 the Department of Transportation transmitted to the Council its recommended White Oak Local Area Transportation Improvement Program, which totaled \$124.5 million. DOT calculates that the master-planned development occurring after Jan. 1, 2016 would generate 20,323 vehicle-trips. The cost per vehicle trip would be approximately \$6,127.

Expedited Bill 2-17, Employees' Retirement System-Retirement Savings Plan-Employee Rights and Benefits-Amendments

The Council is scheduled to introduce Expedited Bill 2-17. The public hearing is scheduled for Feb. 28 at 1:30 p.m. Council President Berliner is the lead sponsor, at the request of the County Executive. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view id=136&event id=5011&meta id=131625.

Bill 2-17 would amend the Employees' Retirement System (ERS) and the Retirement Savings Plan (RSP) to remain tax qualified under the Internal Revenue Code. Bill 2-17 does not propose substantive changes, and none of these amendments would change any employee's existing benefits or rights under either plan.

- The County submitted ERS and the RSP to the Internal Revenue Service to receive a
  determination letter that each County retirement plan would remain tax qualified. The IRS
  has requested several technical changes that require amendments to specific provisions of
  the ERS and the RSP related to the Internal Revenue Code. The IRS requested that the
  County amend the plans to:
  - ✓ specify that a non-spousal beneficiary may receive a rollover distribution (if otherwise permitted) (ERS and RSP);
  - ✓ include Internal Revenue Code provisions relating to certain rights provided to employees on military leave (ERS and RSP);
  - ✓ included a definition of "eligible rollover distribution" (ERS);
  - ✓ provide a definition of "limitation year" for purposes of complying with Internal Revenue Code Section 415 (RSP); and
  - √ specify that defined contribution plans maintained by the County will be aggregated for purposes of complying with Internal Revenue Code Section 415 (RSP).
- Expedited Bill 51-16, Taxation-Development Impact Tax-Local Area Transportation Review Mitigation Payment-Established

The Council is scheduled to vote on Expedited Bill 51-16. The PHED and GO Committees recommend enactment with amendments to how credits and exemptions are handled. Council President Berliner is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5011&meta\_id=131627.

Bill 51-16 would establish a local area transportation review mitigation payment; authorize the Council to set the rates by resolution after a public hearing; and amend the law concerning the development impact tax for transportation improvements. Bill 51-16 also would require the Department of Finance to retain funds collected in an account to be appropriated for transportation improvements that result in added transportation capacity or improved mobility in the area where the development for which the funds were paid is located.

- When the Council replaced the Policy Area Transportation Review payments in the 2016-2020 Subdivision Staging Policy (SSP), with a higher transportation impact tax, it also deleted the Transportation Mitigation Payment section of the transportation impact law believing it was no longer needed. This assumption was incorrect. Expedited Bill 51-16 would reinstate the Transportation Mitigation Payment section in the County Code and provide the legal authority to impose Local Area Transportation Review payments.
- Resolution to Amend Resolution 18-195 Approving the Declaration of No Further Need Related to the Disposition of Site II Property on Industrial Parkway in Silver Spring

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The Council is scheduled to vote on a Resolution to amend the Declaration of No Further Need related to Site II. The PHED and GO Committees recommend approval with amendments. The staff report can be viewed at:

 $\underline{\text{http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136\&event\_id=5011\&meta\_id=131629} \;.$ 

On June 23, 2015, the Council approved Resolution No. 18-195 for the disposition of Site II Property on Industrial Parkway in Silver Spring. The Council received a memorandum, dated Nov. 15, 2016, from the Executive outlining revised material terms for the disposition of the property. The Council must consider the declaration of no further need based upon the revised material terms because the Executive was unable to negotiate an agreement with the developer under the terms approved by the Council in Resolution No. 18-195.

Supplemental Appropriation to the County Government's FY17 Capital Budget and Amendment to the FY17-22 Capital Improvements Program, Department of General Services-\$47,200,000 for White Oak Science Gateway Redevelopment Project The Council is scheduled to vote on a \$47.2 million supplemental appropriation to the CIP for the

White Oak Science Gateway Redevelopment Project. The PHED and GO Committees recommend approval with amendments. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view id=136&event id=5011&meta id=131631 .

The \$47.2 million appropriation is needed to fund the demolition of on-site buildings and infrastructure improvements for redevelopment.

- These funds would fulfill the County's obligations under the General Development Agreement, including demolition and clean-up of the existing structures, revisions to WSSC easements, and designing and constructing roadway infrastructure.
- These investments would support the County's shared economic development goals for the creation of a new community with homes, retail, and entertainment opportunities and would facilitate research and development efforts with federal agencies and the bioscience industry.
- The recommended amendment is consistent with the criteria for amending the CIP because the project supports significant economic development initiatives.
- The Executive recommends this appropriation ans specifies the souce of funds as GO Bonds.
- Final Internal Audit Report: "Silver Spring Apartment Fire: County Response/Recovery Effort and Lessons Learned"

The Council will receive a briefing on the Office of Internal Audit's report for the Silver Spring Apartment Fire that occurred on Aug. 10, 2016 at the Flower Branch Apartments on Arliss Street. Those expected to attend the briefing include: Uma Ahluwalia, Director, HHS; Gabriel Albornoz, Director, Dept. of Recreation; Bill Broglie, Manager, Office of Internal Audit; Earl Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS); and Ohene Gyapong, Deputy Director, PIO.

The full report can be viewed at:

https://www.montgomerycountymd.gov/exec/Resources/Files/SilverSpring\_Apartment\_Fire-12-9-2016.pdf.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5011&meta\_id=131633\_.

The Flower Branch Apartment explosion and fire directly impacted 168 residents and was the largest emergency of this type dealt with by the County. The County's Office of Internal Audit conducted its review to "identify lessons learned from the County's response and recovery effort in addressing the human and social service needs following the fire." More than 50 public and private agencies were involved with this emergency, and it "posed unique challenges in meeting the immediate and longer-term needs of the impacted residents." The Office of Internal Audit made 14 recommendations for the Executive and Council to consider that are listed below and on the following page.

 For all emergency events, where large numbers of residents are impacted and the scope of the response/recovery effort is extensive, OEMHS should activate the EOC (or other comparable process) and ensure that regular (at least daily or twice daily) conference calls

- are conducted to facilitate improved awareness, coordination, and planning across the County. (Lead: OEMHS)
- The County should develop and conduct a future tabletop exercise based on a scenario the same as or similar to the Silver Spring apartment fire, involve appropriate County and nonprofit/community partners that would be involved in the response/recovery effort, and include the challenges identified in this report. (Leads: OEMHS and HHS)
- 3. HHS should revise their internal emergency response procedures to require that a clear incident command/management chain of command be established and documented in the event of an emergency to include who is in overall command of incident management, and who below this person has primary responsibility for specific response activities. The documented incident management list should also identify the back-ups to the primary leads and provide contact information to establish clear lines of authority/accountability and improved timely coordination. (Lead: HHS).
- 4. HHS should ensure that their internal emergency response procedures require conducting regular (for example, twice daily) coordination meetings among the County and the external partners to facilitate ongoing coordination and resolution of issues/needs. Such meetings should also identify planned visitors/events occurring the next day/several days to ensure any appropriate planning (including support access by visitors) occurs. The meetings should have a designated individual to document actions/decisions/issues. (Lead: HHS)
- 5. The County should avoid conducting press conferences at shelter sites, when there are large-scale sheltering operations underway at a site. (Lead: PIO)
- 6. Recreation, in coordination with the Department of Technology Services, should develop a plan to address telecommunications and logistics issues at each of the community centers (and other facilities that are identified as potential shelter facilities). (Lead: Recreation)
- 7. The County should review its current emergency response protocols and consider having a more visible "triaging" or "aid station" operation (tent, mobile unit, etc.) to help triage people who did not need medical care to shelter operations. (Lead: OEMHS)
- 8. HHS should examine its current sheltering protocol and consider having a bulletin board available to shelter residents with information posted in appropriate languages regarding available resources, events planned at the shelter or other information. (Lead: HHS)
- 9. Using the guidelines/principles developed by the Montgomery Housing Partnership (MHP) in its management of the victim fund for the Silver Spring apartment fire, the County should model this approach in the management of future "victim funds." (Lead: OEMHS)
- 10. The County should develop "activation agreements" with non-profit organizations who are capable and willing to take the lead on specific categories of donation management for incidents similar to the Silver Spring fire, including an activation agreement for each of the following areas of need: victim funds, clothes, food, and furniture/mattresses. (Lead: HHS)
- 11. The County should assess potential enhancements to the volunteer management capacity (previously available through the Volunteer Center) to facilitate a more active and effective mobilization of volunteer services during an emergency response. (Lead: OEMHS)
- 12. HHS should review the case management approach followed in response to the Silver Spring fire, and determine whether modifications to the approach should be made for the future to address some of the perceived gaps identified by several community partners. (Lead: HHS)
- 13. The County should consider conducting regular (e.g., weekly, or more or less frequently as appropriate) coordination meetings between the County and the community partner organizations after a shelter closes to facilitate identification and resolution of ongoing recovery and service delivery concerns. (Lead: HHS)

14. The County should establish a process to consider a request for additional funding from a non-profit community organization receiving County community grant funding if that organization believes the response/recovery efforts they provided during this incident cannot be supported under existing funding sources. (Lead: HH5, with support from OMB and Finance, as appropriate, to develop this process and make recommendations on specific funding requests to be considered through the existing County budget/supplemental funding process.)